

CLOSED

**U.S. District Court  
District of New Hampshire (Concord)  
CIVIL DOCKET FOR CASE #: 1:10-cv-00262-PB**

Sensor Systems Support, Inc. v. Federal Aviation Administration Date Filed: 07/06/2010  
Assigned to: Judge Paul J. Barbadoro Date Terminated: 07/03/2012  
Cause: 05:552 Freedom of Information Act Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Sensor Systems Support, Inc.**

represented by **G. Shepard Bingham**  
Evans & Bingham, PA  
58 Main St.  
Topsfield, MA 01983  
978 887-2166  
Fax: 978 887-3684  
Email: [gsb@evansbingham.com](mailto:gsb@evansbingham.com)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Matthew A. Caffrey**  
Caffrey & Smith  
300 Essex Street  
Lawrence, MA 01840  
978 686-6151  
Email: [mcaffrey@caffreysmith.com](mailto:mcaffrey@caffreysmith.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****Federal Aviation Administration**

represented by **Michael T. McCormack**  
US Attorney's Office (NH)  
James C. Cleveland Federal Building  
53 Pleasant St, 4th Flr  
Concord, NH 03301-0001  
603-225-1552  
Email: [Michael.McCormack2@usdoj.gov](mailto:Michael.McCormack2@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/06/2010	<u>1</u>	COMPLAINT against Federal Aviation Administration ( Filing fee \$ 350 receipt number 14649003352) filed by Sensor Systems Support, Inc.. (Attachments: # <u>1</u> Exhibit A, FIOA Document Request Dated 6/26/09, # <u>2</u> Exhibit B, FAA's Response Dated 8/17/09, # <u>3</u> Exhibit C, Appeal from Partial Denial of FOIA Request Dated 9/10/09, # <u>4</u> Summons – Waiver, # <u>5</u> Civil Cover Sheet)(amm) (Entered: 07/07/2010)
07/06/2010	<u>2</u>	Disclosure Statement by Sensor Systems Support, Inc. disclosing no parent companies, and no merger agreement (amm) (Entered: 07/07/2010)
07/06/2010		Case assigned to Magistrate Judge Landya B. McCafferty. The case designation is: 10-cv-262-LM. Please show this number with the judge designation on all future pleadings. (amm) (Entered: 07/07/2010)
07/06/2010	<u>3</u>	NOTICE of Assignment to U.S. Magistrate Judge sent to plaintiff(s) for service on all parties. (amm) (Entered: 07/07/2010)

07/06/2010		NOTICE. This case has been designated for Electronic Case Filing. All further submissions shall be filed in compliance with the Administrative Procedures for Electronic Case Filing. Pro se litigants are not required to file electronically and may continue to file documents in paper format. G. Shepard Bingham must complete an online registration form within 30 days. <a href="#">Persons filing electronically are strongly encouraged to complete the interactive training modules available on the courts website. To access these modules, click HERE.</a> Notice of Compliance Deadline set for 8/9/2010. (amm) (Entered: 07/07/2010)
07/07/2010		<b>ORDER REGARDING VISITING ATTORNEY: The Local Rules for the District of New Hampshire provide that an attorney may, at the discretion of the court, on motion by a member of our bar, be permitted to practice before this court in a particular action. Any attorney so admitted shall at all times be associated with a member of the bar of this court. Our records indicate that no motion(s) for pro hac vice admission of G. Shepard Bingham, Esq. has/have been received. Unless said motion(s) with the required fee is/are filed within thirty (30) days, the case may be referred to a judicial officer for appropriate action. Signed by Clerk James R. Starr. Notice of Compliance Deadline set for 8/9/2010. (amm)</b> (Entered: 07/07/2010)
07/07/2010	<u>4</u>	Summons(es) Issued by Mail as to Federal Aviation Administration. <b>NOTICE of Assignment to Magistrate Judge attached.</b> (Attachments: # <u>1</u> Assignment to Magistrate, # <u>2</u> Notice ECF)(amm) (Entered: 07/07/2010)
07/20/2010		OBJECTION to Assignment to U.S. Magistrate Judge. Objection form returned to submitting party. Case reassigned to Judge Paul J. Barbadoro. The new case designation is: 10-cv-262-PB, please show this number with the correct judge designation on all further pleadings. (kad) (Entered: 07/22/2010)
07/21/2010	<u>5</u>	NOTICE of Attorney Appearance by Matthew A. Caffrey on behalf of Sensor Systems Support, Inc. (Caffrey, Matthew) (Entered: 07/21/2010)
07/21/2010	<u>6</u>	MOTION for G. Shepard Bingham to Appear Pro Hac Vice (Filing fee \$ 100, Receipt # 0102-641788.) filed by Sensor Systems Support, Inc.. Follow up on Objection on 8/9/2010. (Attachments: # <u>1</u> Exhibit (Affidavit) Affidavit in Support)(Caffrey, Matthew) (Entered: 07/21/2010)
07/22/2010		<b>ENDORSED ORDER granting <u>6</u> Motion to Appear Pro Hac Vice. Text of Order: Granted on the condition that G. Shepard Bingham completes an online ECF Registration Form within 10 days. So Ordered by Magistrate Judge Landya B. McCafferty. ECF Registration Deadline set for 8/5/2010. To access the online registration form, click <a href="#">HERE</a>.</b> <a href="#">Persons filing electronically are strongly encouraged to complete the interactive training modules available on the courts website. To access these modules, click <a href="#">HERE</a>.</a> (gla) (Entered: 07/22/2010)
08/11/2010	<u>7</u>	ANSWER to <u>1</u> Complaint, filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 08/11/2010)
08/12/2010		NOTICE OF PRETRIAL CONFERENCE. Pretrial Conference set for 9/30/2010 03:30 PM before Judge Paul J. Barbadoro. Discovery Plan due on 9/23/2010. Please note pursuant to Title 28 USC 636(c) and Local Rule 73.1, the parties may consent to have the case reassigned to the Magistrate Judge, but are free to withhold consent without adverse consequences.(vln) (Entered: 08/12/2010)
09/23/2010	<u>8</u>	Proposed Discovery Plan and Report of the Parties' Rule 26(f) Planning Meeting filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 09/23/2010)
09/23/2010		<b>ENDORSED ORDER approving <u>8</u> Discovery Plan. Length of Trial 1 day. Case Track: Standard. PRETRIAL CONFERENCE CANCELLED. Text of Order: Approved and adopted as a pretrial scheduling order So Ordered by Judge Paul J. Barbadoro. Defendant's Summary Judgment Motions due by 1/31/2011. Plaintiff's Cross-Motion for Summary Judgment Filing Deadline 12/30/2010. (mm)</b> (Entered: 09/24/2010)
09/24/2010		TRIAL NOTICE: LR 16.2(d) Objections due 8/22/11.. Bench Trial set for the two-week period beginning 9/7/2011 09:30 AM before Judge Paul J. Barbadoro. Final Pretrial Conference set for 8/24/2011 03:30 PM before Judge Paul J.

		Barbadoro. Pretrial Statements due 8/8/2011. (mm) (Entered: 09/24/2010)
12/23/2010	<u>9</u>	Assented to MOTION to Extend Time to January 31, 2011 <i>to file Defendant's Motion for Summary Judgment and to March 2, 2011 to file Plaintiff's Cross-Motion for Summary Judgment</i> filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 12/23/2010)
12/23/2010		<b>ENDORSED ORDER granting <u>9</u> Motion to Extend Time filing of summary judgment motions. Text of Order: granted So Ordered by Judge Paul J. Barbadoro. Cross Motions for summary judgment due by 3/2/2011. Summary Judgment Motions due by 1/31/2011. (mm)</b> (Entered: 12/23/2010)
01/31/2011	<u>10</u>	MOTION to Dismiss <i>or, in the alternative, Summary Judgment</i> , filed by Federal Aviation Administration. Follow up on Objection on 2/17/2011. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Exhibit (Affidavit) A – Declaration of Michael Hawthorne, # <u>3</u> Attachment to Exhibit Vaughn Index)(McCormack, Michael) (Entered: 01/31/2011)
02/15/2011	<u>11</u>	Assented to MOTION to Extend Time to Object/Respond to <u>10</u> MOTION to Dismiss <i>or, in the alternative, Summary Judgment</i> , to March 2, 2011 filed by Sensor Systems Support, Inc.. (Bingham, G.) (Entered: 02/15/2011)
02/15/2011		<b>ENDORSED ORDER granting <u>11</u> Motion to Extend Time to Object/Respond re <u>10</u> Motion to Dismiss. Text of Order: Granted. So Ordered by Judge Paul J. Barbadoro. Follow up on Objection on 3/2/2011. (jna)</b> (Entered: 02/15/2011)
03/02/2011	<u>12</u>	Cross MOTION for Summary Judgment <i>and Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Sensor Systems Support, Inc.. Follow up on Objection on 4/4/2011. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Exhibit (Affidavit) of Daniel J. Oberlander)(Bingham, G.) (Entered: 03/02/2011)
03/03/2011	<u>13</u>	Assented to MOTION to Extend Time to Object/Respond to <u>12</u> Cross MOTION for Summary Judgment <i>and Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment</i> to April 1, 2011 filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 03/03/2011)
03/03/2011		<b>ENDORSED ORDER granting <u>13</u> Motion to Extend Time to Object/Respond re <u>12</u> Motion for Summary Judgment. Text of Order: Granted. So Ordered by Judge Paul J. Barbadoro. Follow up on Objection on 4/1/2011. (jna)</b> (Entered: 03/03/2011)
03/31/2011	<u>14</u>	OBJECTION to <u>12</u> Cross MOTION for Summary Judgment <i>and Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 03/31/2011)
03/31/2011	<u>15</u>	REPLY to Objection to Motion re <u>10</u> MOTION to Dismiss <i>or, in the alternative, Summary Judgment</i> , filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 03/31/2011)
03/31/2011	<u>16</u>	MEMORANDUM re <u>15</u> Reply to Objection to Motion, <u>14</u> Objection to Motion filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 03/31/2011)
06/28/2011	<u>17</u>	Assented to MOTION to Stay <i>Remaining Deadlines Pending Rulings on the Dispositive Motions</i> filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 06/28/2011)
06/29/2011		<b>ENDORSED ORDER granting <u>17</u> Motion to Stay. Text of Order: Granted. So Ordered by Judge Paul J. Barbadoro. (jna)</b> (Entered: 06/30/2011)
09/16/2011	<u>18</u>	<b>///ORDER granting <u>10</u> Motion to Dismiss. So Ordered by Judge Paul J. Barbadoro.(jna)</b> (Entered: 09/16/2011)
09/16/2011		<b>ENDORSED ORDER denying without prejudice <u>12</u> Motion for Summary Judgment. Text of Order: All pending motions are denied without prejudice in light of the September 16, 2011 Memorandum and Order. So Ordered by Judge Paul J. Barbadoro.(jna)</b> (Entered: 09/16/2011)

09/26/2011	<u>19</u>	FILED IN ERROR – REPLACED BY DOCUMENT #20 AMENDED COMPLAINT against Federal Aviation Administration filed by Sensor Systems Support, Inc.. (Attachments: # <u>1</u> Exhibit A, B and C)(Bingham, G.) Modified on 10/5/2011 to add:FILED IN ERROR – REPLACED BY DOCUMENT #20 (mxm). (Entered: 09/26/2011)
09/27/2011		NOTICE of ECF Filing Error re: <u>19</u> Amended Complaint filed by Sensor Systems Support, Inc.. Exhibits or Attachments added as one PDF document. Filer shall refile the main pleading and all exhibits in one entry as separate PDF documents, with a a brief description of the exhibits, and enter in the docket text: <i>Replaces document no. 19</i> . If the filing party has any questions concerning this notice, please contact the judge's case manager at 603–225–1423. Notice of Compliance Deadline set for 10/7/2011.(mm) (Entered: 09/27/2011)
10/03/2011	<u>20</u>	AMENDED COMPLAINT against Federal Aviation Administration <i>Replaces Document No. 19</i> filed by Sensor Systems Support, Inc.. (Attachments: # <u>1</u> Exhibit FOIA Document Request 06–26–09, # <u>2</u> Exhibit FAA's Response 08–17–09, # <u>3</u> Exhibit S3I's Appeal From Partial Denial 09–10–09, # <u>4</u> Exhibit FAA's Grant of Appeal In Part 07–20–10)(Bingham, G.) (Entered: 10/03/2011)
10/14/2011	<u>21</u>	MOTION to Dismiss filed by Federal Aviation Administration. Follow up on Objection on 10/31/2011. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Exhibit (Affidavit) A – Declaration of Michael Hawthorne, # <u>3</u> Attachment to Exhibit Vaughn Index)(McCormack, Michael) (Entered: 10/14/2011)
10/27/2011	<u>22</u>	Assented to MOTION to Extend Time to File Plaintiff's Objection to Defendant's Motion to Dismiss or, in the Alternative, For Summary Judgment filed by Sensor Systems Support, Inc..(Bingham, G.) (Entered: 10/27/2011)
10/27/2011		<b>ENDORSED ORDER granting <u>22</u> Motion to Extend Time to File Plaintiff's Objection to Defendant's Motion to Dismiss or, in the Alternative, For Summary Judgment. Text of Order: Granted. So Ordered by Magistrate Judge Landya B. McCafferty. Follow up on Objection on 11/30/2011.(gla)</b> (Entered: 10/27/2011)
11/14/2011	<u>23</u>	Cross MOTION for Summary Judgment <i>and Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Sensor Systems Support, Inc.. Follow up on Objection on 12/19/2011. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Exhibit (Affidavit) #1–Affidavit of Daniel J. Oberlander)(Bingham, G.) (Entered: 11/14/2011)
11/15/2011		NOTICE of ECF Filing Error re: <u>23</u> Cross MOTION for Summary Judgment <i>and Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Sensor Systems Support, Inc.. Exhibits or Attachments added as one PDF document to the affidavit. Also, affidavits prepared in the context of the litigation shall be filed in electronically converted PDF format, text seachable and shall contain a /s/ signature for both the signator and the notary/jurat. Filer shall refile the main pleading and all exhibits in one entry as separate PDF documents and enter in the docket text: <i>Replaces document no. 23</i> . If the filing party has any questions concerning this notice, please contact the judge's case manager at 603–225–1423. Notice of Compliance Deadline set for 11/25/2011.(mm) (Entered: 11/15/2011)
11/23/2011	<u>24</u>	Cross MOTION for Summary Judgment <i>and Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment (Replaces Document No. 23)</i> filed by Sensor Systems Support, Inc.. Follow up on Objection on 12/27/2011. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Exhibit (Affidavit) Affidavit of Daniel J. Oberlander, # <u>3</u> Exhibit #1 to Oberlander Affidavit, # <u>4</u> Exhibit #2 to Oberlander Affidavit, # <u>5</u> Exhibit #3 to Oberlander Affidavit, # <u>6</u> Exhibit #4 to Oberlander Affidavit)(Bingham, G.) (Entered: 11/23/2011)
11/28/2011		Notice of Intent to Reply to Objection to <u>21</u> MOTION to Dismiss. Follow up on Reply on 12/9/2011.(mm) (Entered: 11/28/2011)
12/06/2011	<u>25</u>	Assented to MOTION to Extend Time to Object/Respond to December 23, 2011 <i>to Plaintiff's Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment</i> filed by Federal Aviation Administration.(McCormack, Michael) (Entered: 12/06/2011)



12/07/2011		<b>ENDORSED ORDER granting <u>25</u> Motion to Extend Time to Object/Respond re <u>24</u> Motion for Summary Judgment. Text of Order: Granted. So Ordered by Judge Paul J. Barbadoro. Follow up on Reply on 12/23/2011.(jna)</b> (Entered: 12/07/2011)
12/23/2011	<u>26</u>	REPLY to Objection to Motion re <u>21</u> MOTION to Dismiss filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 12/23/2011)
12/23/2011	<u>27</u>	OBJECTION to <u>24</u> Cross MOTION for Summary Judgment <i>and Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment (Replaces Document No. 23)</i> Cross MOTION for Summary Judgment <i>and Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment (Replaces Document No. 23)</i> Cross MOTION for Summary Judgment <i>and Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment (Replaces Document No. 23)</i> filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 12/23/2011)
12/23/2011	<u>28</u>	MEMORANDUM re <u>27</u> Objection to Motion,, <u>26</u> Reply to Objection to Motion filed by Sensor Systems Support, Inc.. (McCormack, Michael) (Entered: 12/23/2011)
02/09/2012	<u>29</u>	<b>///ORDER granting in part and denying in part <u>21</u> Motion to Dismiss; denying <u>24</u> Motion for Summary Judgment. So Ordered by Judge Paul J. Barbadoro.(jna)</b> Modified on 2/9/2012 to add: ///(mxm). (Entered: 02/09/2012)
02/09/2012		Set Deadline(s): Miscellaneous Deadline re: documents set for 2/22/2012. Summary Judgment Motions due by 2/22/2012. (mxm) (Entered: 02/09/2012)
02/22/2012	<u>30</u>	MOTION for Summary Judgment filed by Federal Aviation Administration. Follow up on Objection on 3/26/2012. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Exhibit (Affidavit) Declaration of Michael Hawthorne, # <u>3</u> Attachment to Exhibit Supplemental Vaughn Index)(McCormack, Michael) (Entered: 02/22/2012)
03/26/2012	<u>31</u>	Assented to MOTION for Late Filing of Plaintiff's Objection to Defendant's Motion for Summary Judgment and to Extend the Time to File Said Objection and Cross-Motion for Summary Judgment to April 20, 2012 filed by Sensor Systems Support, Inc..(Bingham, G.) (Entered: 03/26/2012)
03/27/2012		<b>ENDORSED ORDER granting in part and denying in part <u>31</u> Motion for Late Filing and to Extend Time. Text of Order: The request to consolidate is denied. In all other respects, the request is approved. So Ordered by Judge Paul J. Barbadoro.(jna)</b> (Entered: 03/27/2012)
04/13/2012	<u>32</u>	OBJECTION to <u>30</u> MOTION for Summary Judgment filed by Sensor Systems Support, Inc.. (Bingham, G.) (Entered: 04/13/2012)
04/18/2012		Notice of Intent to Reply to Objection to <u>30</u> MOTION for Summary Judgment. Follow up on Reply on 4/30/2012.(mxm) (Entered: 04/18/2012)
04/27/2012	<u>33</u>	REPLY to Objection to Motion re <u>30</u> MOTION for Summary Judgment filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 04/27/2012)
05/11/2012	<u>34</u>	<b>ORDER granting in part and denying in part <u>30</u> Motion for Summary Judgment. So Ordered by Judge Paul J. Barbadoro.(jna)</b> (Entered: 05/11/2012)
05/17/2012	<u>35</u>	RESPONSE re <u>34</u> Order on Motion for Summary Judgment filed by Federal Aviation Administration. (McCormack, Michael) (Entered: 05/17/2012)
05/17/2012		Set Deadline(s): Follow up on Discovery Plan 6/4/2012. (mm) (Entered: 05/17/2012)
05/21/2012	<u>36</u>	Objection to <u>35</u> Response (not to Motion) by <i>Defendant to Court's May 11, 2012 Memorandum and Order</i> filed by Sensor Systems Support, Inc.. (Bingham, G.) (Entered: 05/21/2012)
05/22/2012		<b>ENDORSED ORDER <u>35</u> Response to order re: Order <u>30</u> on Motion for Summary Judgment. Text of Order: The document has been produced. It need not be submitted for in camera review So Ordered by Judge Paul J. Barbadoro.(mm)</b> (Entered: 05/23/2012)

05/30/2012	<u>37</u>	MOTION for Attorney Fees filed by Sensor Systems Support, Inc.. Follow up on Objection on 6/18/2012. (Attachments: # <u>1</u> Exhibit (Affidavit) Affidavit of Counsel, # <u>2</u> Memorandum of Law In Support of Motion for Fees)(Bingham, G.) (Entered: 05/30/2012)
05/30/2012		Deadlines terminated re: Set Deadline(s) : Follow up on Discovery Plan 6/4/2012. FILED IN THIS CASE IN ERROR (mm) (Entered: 05/30/2012)
06/06/2012	<u>38</u>	Assented to MOTION to Extend Time to July 13, 2012 <i>to Respond to Plaintiff's Motion for Award of Counsel Fees</i> filed by Federal Aviation Administration.(McCormack, Michael) (Entered: 06/06/2012)
06/06/2012		<b>ENDORSED ORDER granting <u>38</u> Motion to Extend Time to Respond to Motion for Fees. Text of Order: Granted. So Ordered by Judge Paul J. Barbadoro. Follow up on Objection on 7/13/2012.(jna)</b> (Entered: 06/06/2012)
06/27/2012	<u>39</u>	STIPULATION re <u>37</u> MOTION for Attorney Fees by Federal Aviation Administration(McCormack, Michael) (Entered: 06/27/2012)
06/29/2012		<b>ENDORSED ORDER granting <u>37</u> Motion for Attorney Fees. Text of Order: Granted. So Ordered by Judge Paul J. Barbadoro.(jna)</b> (Entered: 07/02/2012)
07/03/2012	<u>40</u>	<b>JUDGMENT is hereby entered in accordance with <u>34</u> Order on Motion for Summary Judgment, <u>39</u> Stipulation. Signed by Clerk James R. Starr. (Case Closed) (mm)</b> (Entered: 07/03/2012)